

October 18, 2004
Regular Meeting

Minutes

Members present

Lloyd Davis- Chairman
Brent Hunter- Vice- Chairman
Roger Evans- Commissioner
Johnny Myers- Commissioner
D.C. Swaim- Commissioner

Others Present

Cecil E. Wood- County Manager
James Graham- County Attorney

Chairman Davis called the meeting to order. Attorney Graham had the invocation. Zack Freeman, student representative from Forbush High School, led the Pledge of Allegiance. The Starmount Show Choir sang the Star Spangled Banner and other selections.

Zack Freeman, Forbush High School, spoke of the needs at Forbush High School. He also spoke of the Show Choir at Forbush and that several members of the choir are auditioning for admission to The School of the Arts.

Public Hearing- Zoning

Chairman Davis opened the public hearing.

Kim Bates, Zoning Supervisor, presented several requests for rezoning:

- Adjoining tracts facing Old US 421 and Pilot View Church Road. Currently zoned rural agriculture. Request to change to residential restricted. The Planning Board denied the petition. Petition submitted by Dixie Williams- Kilby, Administrator of Estate of Lawrence C. Williams.

Mr. Ben Harding, Attorney, stated the land is an estate settlement and the family would like to sell the land.

- NE Corner of Old US 421 and Union Cross Church Road. Currently zoned rural agriculture. Request to change to residential restricted. The Planning Board approved the petition. Petition submitted by Dixie Williams-Kilby, Administrator for the Estate of Lawrence C. Williams.

Mr. Harding stated most of the property is in the Town of Yadkinville's ETJ, so it already is restricted property.

- NC Hwy 67, Stinson Road, Weldon Road. Currently zoned rural agriculture. Request to change to residential limited. The Planning Board denied the petition. Petition submitted by J. Bruce Stinson.

Lee Zachary, Attorney, stated its hard to comply with the compatibility requirements when most properties are zoned rural agriculture. The purpose of the residential limited zoning is to help establish neighborhoods in medium density areas. At this time the petition is not for subdivision approval, but he did point out the existence of small, residential lots in the surrounding areas. Mr. Zachary stated the Planning Staff had no conflicts with the request.

Frank Overby, neighbor, stated these are dirt roads and he is concerned with ground water depletion.

Billy Philyaw, adjacent owner, questioned how this would affect his farm?

Mr. Bates stated the rezoning would not affect his farm.

Cindy Philyaw stated she likes the farm/rural area and would like it to stay that way.

- 1705 Helton Road, East Side, ¼ mile South of Hoots Road. Currently zoned residential limited. Request to change to rural agriculture. The Planning Board approved the petition. Jennie Wooten submitted the petition.
- Shacktown Road, Bounded on South by US Hwy 421, Across and West from Little Big Horn Trail. Currently zoned rural agriculture. Request to change to community business. The Planning Board denied the petition. Petition submitted by Charles and Pauline Calloway. Petition was withdrawn.
- Petty Road, North Side, 0.1mile South of Hoots Road. Currently zoned rural agriculture. Request to change to residential institutional. The Planning Board denied the petition. Emmanuel A. Miemaris submitted the petition.

Chairman Davis closed the public hearing for zoning.

***Commissioner Evans made the motion to approve the petition for the property located at Old US 421 and Pilot View Church Road; submitted by Dixie Williams-Kilby. Commissioner Swaim seconded. The Board voted 5-0.**

***Commissioner Swaim made the motion to approve the petition for the property located at NE corner of Old US 421 and Union Cross Church Road; submitted by Dixie Williams-Kilby. Commissioner Evans seconded. The Board voted 5-0.**

***Commissioner Evans made the motion to deny the petition as recommended by the Planning Board for property located at NC Hwy 67, Stinson Road, Weldon Road; submitted by J. Bruce Stinson. Commissioner Swaim seconded. The Board voted 3-2. Commissioners Davis and Myers opposed.**

***Commissioner Swaim made the motion to approve the petition for 1705 Helton Road, Eastside, ¼ mile South of Hoots Road. Commissioner Evans seconded. The Board voted 5-0.**

***Commissioner Evans made the motion to deny the petition as recommended by the Planning Board for Petty Road, North side, 0.1 mile South of Hoots Road. Commissioner Myers seconded. The Board voted 5-0.**

Public Hearing- 911 Addressing

Chairman Davis opened the public hearing.

Ms. India Trimble, 911 Coordinator, informed the Board that all property owners had been notified. The name most suggested for the road was Vineyard Pkwy/Hwy. This is the last section of the Old Hwy 421 from the intersection of the Windsor Road and US 421 to the county line.

Coleman Carter, resident, complained that there were more names on the petition than properties.

Pam Benton, resident, stated there is no vineyard on the road and it is not a parkway, so she is against the suggested name.

Roger Caudle, resident, stated he is building a house on the road and would like the area to be scenic; no billboards, protection of scenic views.

Chairman Davis closed the public hearing.

***Commissioner Swaim stated there is no vineyard on the road and made the motion to name the road Yadkin–Wilkes Hwy. Commissioner Myers seconded. The Board voted 5-0.**

Public Hearing- Schools

Chairman Davis opened the public hearing.

Rex Baity, School Board Member, reviewed the proposal for the high schools. He stated this would help make the high schools academically better with new science and computer labs. Mr. Baity commented that the State has placed a lot of mandates on the school system, one being making class size smaller. The system is excelling and now its time for the community to excel.

Jimmy Steelman, Hamptonville, questioned giving the schools \$6 million? He does not think the Administration knows how to spend money wisely; \$500,000 for an alternative school, \$380,000 for 40 acres at Starmount High School. He also stated borrowing this money is going against the taxpayer's wishes. He asked the Board if they would operate their own business this way? He answered for them; no.

Bradley Hardy, Starmount Junior, supports the decision made by the Boards. This will benefit the entire community. He commented that progress always brings criticism. People choose where they want to live and they choose to live in areas where education is important. He also stated businesses want educated employees.

Zack Freeman, Forbush Senior, supports the decision of the Boards. There are great teachers who teach our students and they do a great job, but they do not have adequate materials. The schools need more. Mr. Freeman stated it is time to invest in the future of the county.

Debbie Matthews, parent of an 8th grade student, supports the expansion at the high schools. The county cannot achieve economic growth without education. The schools are working with limited resources.

Hillary Smith, parent of a Starmount student, stated we need to help give our students the best opportunities to be able to compete with other students from other areas. Science is a big part of North Carolina offering specialized jobs. Students need a solid background in science.

Jeff Wallace, Principal, Forbush High School, stated the schools are doing well but the standards are rising and we need to make the effort to stay competitive. We need good teachers and good teachers come with good facilities.

Brad Storie, Principal, Starmount High School, appreciates the support of the Board and the visit by Chairman Davis and Larry Vestal. He commented the science labs are over 38 years old. Students come back from college telling him that they really lack in the science area compared to other students. He stated the first investment should be in your child's education.

Angela Jordan, parent and teacher, stated the system has great students, but it is not fair to send them to college unprepared.

Jeff Farmer, Physic Teacher at Forbush, stated he is a "roving" teacher. He does not have permanent class space or proper lab equipment to teach the students. Students have the opportunity to get college credits for science, but Yadkin County does not have adequate labs or space to offer the students this opportunity.

Kris Armstrong, Teaching Assistant, stated the system has dedicated teachers/personnel but we lose these to other counties for better facilities.

Donna Myers, parent, stated her son is in a class where there are not enough chairs for the students; inadequate space. She also commented that her daughter is in the 7th grade and is being taught now what she was taught in high school. We need to keep up with our education curriculum.

Rusty Crissman, parent, presented some other solutions. He commented that labs were not used when he was in high school. The high schools are now on a block schedule where the teachers have scheduled planning sessions. He stated that 25% of the time only a teacher is using the classroom; no class is being taught. He suggested reviewing the space issue. He also suggested using Surry Community College for the vocational classes.

Marty Sewell, Science Teacher, stated with no space and no money for supplies its hard to offer the students what they need for science credit. We can do a better job with more supplies and space. There are currently nine trailers at Forbush; we need the fourteen classrooms now.

James Sewell, Pastor, applauds the Board of Commissioners and Board of Education for working to make the schools better.

Chairman Davis called for a break.

Sheila Vogler, parent, stated she graduated from Forbush in 1981. She stated the teachers did the best they could with what science labs were available, but now it is time to bring our schools up to date.

David Hoots, parent, stated he is interested in educating the students, but how are we to pay for this? Where is the money coming from? He does not trust either Board. He questioned the middle school issue- when will it come up again? He also asked why did the Board of Commissioners wait until the end of their terms to decide to loan the schools the money?

Jennifer Myers Mitz, teacher, stated she teaches in a mobile unit. She is requesting the help our students need to be competitive. She stated teaching in the mobile classrooms questions the safety and security of the students.

Jackie McCarn, teacher, Yadkinville Elementary, stated she graduated from Forbush High School thirty years ago and the same facilities are being used today.

Peggy Boose, Boonville, stated borrowing \$6 million is not budgeted and the county is borrowing this with no say by the taxpayers. She discussed the number of students and the growth in the past seven years. She questioned the building at Starmount when there are other schools in the county who are using trailers?

Ed Lakey, former Educator, stated the schools need new facilities. He expressed concern on how the Boards are working together? He stated capital projects should be voted on by the public. He asked when could the county expect middle schools?

Freddie Dollinger, Yadkinville, asked how would the loan be repaid? He questioned the spending for the 5-D Project and the animal shelter.

Meme Brown, 8th grade student, stated she wants to have the same advantages and opportunities as other students in surrounding counties.

Becky Bryant, teacher, stated the schools do not have the proper equipment nor adequate space for AP Biology. The class is overcrowded and learning is difficult.

Gwyn Crump, Sr., stated the buildings are old but does not mean the children are being uneducated. There are too many commitments being placed on the taxpayers. He is not against the loan, only how the county plans to repay the loan.

John Sheets, teacher at Starmount, stated the skills needed now are more vital than they were thirty years with technology changing everyday.

Grace McGee, Yadkinville, asked where is the county's money going? There is a limit to what the county can do.

Victor Seiders stated past experience says low tax, no improvements to education. We must move forward and do what is needed.

Leslie Phillips, student at Forbush High School, stated there are some for and some against the proposal, but we need these improvements to bring the schools up to date. The teachers deserve to have supplies/equipment to educate the students and the students deserve the opportunity to be taught with updated supplies/equipment.

Allen Combs stated this all comes down to the money and how to repay the loan. There needs to be a different way to repay the loan besides increasing property taxes.

Chairman Davis closed the public hearing.

Chairman Davis thanked everyone for his or her comments; for and against. He stated a bond was voted down two years ago due to inadequate planning. The bond was to build two new high schools; this loan is not for the same. This loan is for additions to the existing high schools. The county will try to obtain grants for furnishings; such as computer and lab equipment. It is the county's responsibility to furnish schools for our children. The county is faced with mandates issued by the State such as reduction in classroom sizes which means more space.

Commissioner Swaim commented on the professionalism conducted during the public hearing comments. He stated he does not make hasty decisions for the county. He asked

where was this support group when the bond was out there for a vote? He stated \$6 million was offered to the Board of Education earlier and it was rejected, but after the primary the Board of Education had a change of mind. He was not aware that the Board of Education was coming to the previous meeting because they had not been placed on the agenda. He does not like the way this is being handled or the timing. He wants this to be fair and reasonable for everyone.

Commissioner Evans stated he agreed with Commissioner Swaim's comments. He is not against education. He stated the plan was not discussed with him. He is not for overspending budgets. He has visited the high schools and the needs are there. The Boards need to communicate fairly and openly.

Commissioner Hunter stated as a parent he hears what the kids need. It is time to meet their needs.

Commissioner Myers stated he is serving a four year term and will continue to make decisions for the county. He asked those running for a commissioner's seat to add the numbers; a \$20 million bond would tie the hands of the county for a long time. A bond for the middle schools would take 10-15 years to repay, leaving no money for renovations at the high schools during that time. He stated we could do this work at the high schools, and then in five years when the loan is repaid, look at building middle schools. It is time for us to pay for our children's education and their children's education.

Public comments

Sheriff Cain and Chief Parks addressed the Board concerning the celebration of Halloween. The only two towns that have changed the date are Boonville and East Bend.

The Board stated it should be a parental decision. No action taken by the Board.

Alice Singh, Humane Society President, thanked the Board for approving the animal shelter. She wants to work with the county on spay/neuter and adoption programs.

Yancy St John, Swan Creek, discussed the petition for the Swan Creek exit ramp. He does not feel the resolution prepared by the Board supported his efforts.

Dianne Doub, East Bend, discussed the land bought from Lenuel Chamberlain.

Peggy Boose, Boonville, discussed property taxes.

Minutes

***Commissioner Swaim made the motion to approve the minutes. Commissioner Myers seconded. The Board voted 5-0.**

Zoning-set public hearing and per diems

Kim Bates, Zoning Supervisor, withdrew the request for the public hearing at the request of the property owner.

Mr. Adams tabled the per diem for the Planning Board until the next meeting.

Soil and Water- budget amendment

Description	Account Number	Original Budget	Increase/(Decrease)	Amend
No-Till Drill Repair	4960-3550	0	\$1,000	\$1,000
Revenue From No-Till Drill	3496-8910	\$10,536.74	(\$1,000)	\$9,536.74

To repair the no-till drill.

***Commissioner Hunter made the motion to approve the budget amendment. Commissioner Swaim seconded. The Board voted 5-0.**

Social Services-budget amendment

Description	Account Number	Original Budget	Increase/(Decrease)	Amend
Salaries – PT	5230 1260	\$43,000	(\$4,000)	\$39,000
R& M – Building	5230 3510	\$5,000	\$4,000	\$9,000
Total		\$48,000	-0-	\$48,000

***Commissioner Evans made the motion to approve the budget amendment. Commissioner Myers seconded. The Board voted 5-0.**

Finance-audit and transfers

***Commissioner Myers made the motion to establish a policy authorizing the manager and finance officer to transfer unspent funds as of June 30th to the capital reserve/capital project fund annually. Commissioner Hunter seconded. The Board voted 5-0.**

***Commissioner Myers made the motion to approve the amended audit contract and authorized the Chairman to sign the document. Commissioner Hunter seconded. The Board voted 5-0.**

YC Nursing-Adult Care Home Community- board appointments

***Commissioner Myers made the motion to appoint Angie Cranfill and Tonja Strickland to serve on the Yadkin County Nursing-Adult Care Home Community Advisory Committee. Commissioner Hunter seconded. The Board voted 5-0.**

Tax Administration- refunds and adjustments

Name/reason	Year	County tax	Fire tax/code	Late Listing	Total
James Michael Vestal 212 N Harrison Ave Yadkinville, NC 27055 Mh repo before 1/03	2003	\$69.59	\$4.46 Y	\$0.27	\$74.32
Thomas G. Matthews 2621 Country Club Rd Yadkinville NC 27055 Sld be no late listing charged	2003			\$4.00	\$4.00
Ben T & Cleo Mullis 5609 Cleo Dr Hamptonville NC 27020 Mh dbl listed	2004	\$50.92	\$5.43 L		\$56.35
Dennis Parrish PO Box 163 Hamptonville NC 27020 Appraiser corr hse & land value	99-04	\$318.34	\$37.65 W		\$463.33
Lenny Welborn 592 Union Grove Rd Union Grove NC 28689 Corrected acreage	2003	\$48.01	\$4.32 S		\$52.33

***Commissioner Evans made the motion to approve the tax adjustments and refunds. Commissioner Hunter seconded. The Board voted 5-0.**

Commissioner comments

Chairman Davis stated he received a letter complimenting Patti Ragan, Adult Program Supervisor, from the COG on a recent inspection. The letter indicated all files were complete and she was providing excellent services to her clients.

Chairman Davis stated he had been notified by several taxpayers of a problem concerning vehicle tax bills. He explained the problem: the taxpayer comes in to pay a vehicle tax bill; the County collects the amount shown on the bill however if the bill is past due there will be interest owed therefore the full amount is not collected. A block is placed on the vehicle tag resulting in the State not sending a reminder to have the tags renewed. This results in the taxpayer being subject to additional penalties. Chairman Davis asked what could be done about this situation?

The Board directed the Manager to make certain that collection employees pull up the account of the taxpayer each time to verify correct payment.

Schools- resolution for loan

***Commissioner Myers made the motion to approve the resolution for the financing of the loan for the schools. Commissioner Hunter seconded. The Board voted 3-2. Commissioners Evans and Swaim opposed.**

Resolution

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR THE APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the County of Yadkin, North Carolina desires to construct and renovate classrooms at Starmount and Forbush High Schools ("The Project") to better serve the citizens of Yadkin County; and

WHEREAS, The County of Yadkin desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Yadkin County, North Carolina, meeting in Regular Session on the 18th day of October, 2004, make the following findings of fact:

1. The proposed contract is necessary or expedient because the existing classroom space is not adequate for the number of students attending each of the high schools and the existing labs at the two high schools are incapable of meeting curriculum demands and allowing students to participate in lab demonstrations.

2. The Board finds the proposed contract is preferable to a bond issue for the same purpose because of 160A-20 financing contract can be completed and construction begin much quicker than with a general obligation bond. It is important that the project be implemented as quickly as possible in order to relieve the overcrowding and provide better equipment for the students to use in the labs. The Board finds that the \$6 million cannot be prudently taken from available appropriations or unappropriated fund balances.
3. The Board finds the cost of obtaining financing under the proposed contract is less than the cost of issuing general obligation bonds for the same loan amount and interest rates are similar.
4. The Board finds the sums to fall due under the contract are adequate and not excessive for the proposed purpose. The Board anticipates a loan of short-term duration and low interest rates; depending upon the term and rate, a tax increase not to exceed 7 ½ cents would be needed.
5. The Board finds Yadkin County's debt management procedures and policies are good because the County has a very low amount of debt and the county is not in default of any debt payments.
6. The Board finds the tax increase necessary to meet the sums to fall due under the proposed contract will be 7 ½ cents per \$100 valuation and is not deemed to be excessive.
7. The County of Yadkin is not in default in any of its debt service obligations.
8. The Attorney for the County of Yadkin of North Carolina has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be extended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER that the County Manager is hereby authorized to act on behalf of the County of Yadkin of North Carolina in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this the 18th day of October 2004. The motion to adopt this resolution was made by Commissioner Myers, seconded by Commissioner Hunter and passed by a vote of 3 to 2.

S/ _____
Lloyd Davis, Chairman
Yadkin County Board of Commissioners

ATTEST:

S/ _____
Melinda Vestal, Clerk

October 18, 2004
Date

Adjournment

***Commissioner Myers made the motion to adjourn. Commissioners Swaim and Evans seconded. The Board voted 5-0.**

Melinda Vestal, Clerk to the Board